

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

Jeffrey W. Carpenter,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
<i>v.</i>	§	
	§	Civil Action No. 3:23-CV-00769-N
Twin City Fire Insurance Company,	§	
	§	Jury Demand
<i>Defendant.</i>	§	

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**BRIEF SUPPORTING PLAINTIFF JEFF CARPENTER'S  
PROPOSED FINAL JUDGMENT: POST-JUDGMENT INTEREST**

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This brief addresses federal post-judgment interest in the context of a successful *Stowers* claim arising from an underlying, state-court judgment. In [\*OneBeacon Ins. Co. v. T. Wade Welch & Assocs.\*](#), No. 11-cv-03061, 2015 WL 926515 (S.D. Tex. Mar. 4, 2015), also a *Stowers* case, a court addressed this same issue. It determined that the federal post-judgment interest statute required post-judgment interest on the entire underlying state-court judgment, including the still-accruing state post-judgment interest reflected in that underlying state-court judgment. *Id.* at \*4.

Additionally, since [28 U.S.C.] § 1961 requires the court to award statutory post-judgment interest on the damages, the final award will include statutory post-judgment interest on the entire award, including the [state court post-judgment interest of] \$1720.70 per day. While the court notes that the [judgment creditors] offered to waive the statutory post-judgment interest, *since there has been no agreement amongst the parties stipulating to this waiver, the court must also award interest under section 1961.*

*Id.* (emphasis and alterations added).

Like in *OneBeacon*, Plaintiff Jeff Carpenter made a similar offer—to have federal post-judgment interest apply only to the then-conditional and later-earned appellate fees portion of the underlying state court judgment. Twin City did not accept that offer. So, as in *OneBeacon*, there is no agreement. Accordingly, Jeff Carpenter now requests application of full post-judgment interest on the entirety of the underlying state-court judgment [including on the still-accruing state-court post-judgment interest]. Such interest is both appropriate and mandatory under Section 1961—as it was in *OneBeacon*.

Respectfully submitted,

*/s/ David L. Wiley*

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